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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,213	07/22/2003	Jasminka Dizdarevic	C02-0053-001	7052

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EXAMINER	
PHAN, HUY Q	

ART UNIT	PAPER NUMBER
2617	

DATE MAILED: 12/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/624,213	DIZDAREVIC ET AL.	
	Examiner	Art Unit	
	Huy Q. Phan	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 November 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5,8,10,12 and 13* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5, 8, 10, 12, and 13* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/07/2006 has been entered.

Response to Amendment

3. This Office Action is in response to Amendment filed on date: 11/07/2006.

Claims 1-5, 8, 10, 12, and 13 are still pending.

Response to Arguments

4. Applicant's arguments, with respect to claim 13, have been fully considered but they are not persuasive.

Applicant argued that "Bright makes no mention of a termination request accompanying any of the messages of its disclosure. Furthermore, Bright does not describe terminating a message at a GAIT communication device or determining the terminal type of a GAIT communication device". The examiner respectfully disagrees. Since, Bright discloses the method "which allow termination of an SMS-type message to a mobile station through a serving GPRS network... When a call delivery or SMS delivery attempt for the mobile station causes a query to the DW HLR, the DW HLR provides as the MSC identifier the address of the GPRS IIF/MSC/VLR associated with the SGSN, as earlier received from the IIF during the registration procedure" (see [0056]), the termination call or termination message must accompany with "request" in order for the SMS to deliver it to the communication device. Bright discloses that the mobile station (MS) is capable of interworking and interoperability function between different technology networks (fig. 3 and its description) and the method for registration of MS to the different networks [0040]; thus, each networks must determines the terminal type of MS while registering the MS. Therefore, Bright discloses all the limitations of claim 13.

5. Applicant's arguments, with respect to claims 1-5, 8, 10, and 12, have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 13 is rejected under 35 U.S.C. 102(e) as being anticipated by Bright (US-2002/0094811 as previously cited).

Regarding claim 13, Bright discloses a method, comprising the steps of:

receiving a message and a terminal request [0056] at a message service center (MC 388, see [0043]), the message terminating at a dual mode GSM-ANSI Interoperability team (GAIT) communications device (fig. 3 and [0034]-[0050]);

determing a Terminal Type of the GAIT communications device;

if a Terminal Type of the communications device is Global System for Mobile communications [0044], then routing the message and the termination request using a GSM Home Location Register operating in a Global System for Mobile communications network [0045], the routing of the message using global title translation [0056] for a Mobile Station Integrated Services Digital Network ([0051]-[0053]) associated with the communications device ([0037]-[0038] and [0056]-[0064]); and

if the Terminal Type of communications device is GSM-ANSI Interoperability

Team ([0045]-[0056]), then routing the message the termination request using a TDMA Home Location Register in a Time Division Multiple Access communications network ([0046]-[0047]), the routing of the message using global title translation [0056] for a Mobile Subscriber Identification Number ([0051]-[0053]) associated with the communications device ([0037]-[0038] and [0056]-[0064]), the message being processed for termination at the communications device [0056].

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-5, 8, 10, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jain (US-2003/0224811 as previously cited) in view of Lindgren (US-2001/0002198).

Regarding claim 1, Jain discloses a method (fig. 1), comprising the steps of:

migrating a communications device ("a CDMA based mobile station") to a Global System for Mobile communications network, the communications device migrated from at least one of a Time Division Multiple Access communications network and a Code Division Multiple Access communications network (in solving problem "handling SMS... from a CDMA network to a GSM network", see [0032]);

receiving an origination request from the communications device [0031], the origination request for sending a message from the communications device [0031], the origination request comprising a network address ([0039]);

associating the network address to a signaling point code (GSM service network 140), the signaling point code identifying a message service center in the Global System for Mobile communications network [0035]; and

routing the origination request to the message service center operating in the Global System for Mobile communications network [0036],

wherein the origination request is processed by the message service center [00331].

But, Jain does not particularly show associating the network address to a signaling system 7 signaling point code and replacing the network address of the origination request with the signaling point code. However in analogous art, Lindgren teaches associating the network address to a signaling system 7 signaling point code ([0020] and [0025]) and replacing the network address with the signaling point code [0031]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Jain as taught by Lindgren in order to use the existing system ("the signaling system no. 7 (SS7) network that forms the backbone of existing public access cellular telephone systems" see [0006]); thus, a lot of money and effort can be saved.

Regarding claim 2, Jain and Lindgren disclose the method according to claim 1. Jain further discloses the step of updating the network address after migration of the communications device ("available from the GSM SIM card, from a previously received SMS message"), wherein the network address identifies the message service center in the serving communications network [0031].

Regarding claim 3, Jain and Lindgren disclose the method according to claim 1. Jain further discloses the step of wirelessly changing (updating) the network address after migration of a subscription profile associated with the communications device, wherein the network address identifies the message service center in the Global System for Mobile communications network (fig. 3 and [0034]-[0050]).

Regarding claim 4, Jain and Lindgren disclose the method according to claim 1. Jain further discloses wherein the step of receiving the origination request comprises receiving the origination request at a mobile switching center in the serving communications network [0031].

Regarding claim 5, Jain and Lindgren disclose the method according to claim 1. Jain further discloses wherein the step of associating the network address to the signaling point code is performed by a Signaling Transfer Point (MSN 132) in the serving communications network (see col. 4, line 41-col. 5, line 10).

Regarding claim 8, Jain discloses a method (fig. 1), comprising the steps of:

receiving an origination request at a mobile switching center in at least one of a Time Division Multiple Access communications network and a Code Division Multiple Access communications network (fig. 1, description and [0035]-[0036]), the origination request for sending a message from a communications device ([0031]-[0037]), the origination request comprising a network address of a message service center associated with the communications device (fig. 2a, description and [0035]-[0037]); and

routing the origination request to the message service center in a Global System for Mobile communications network (fig. 1, description and [0035]-[0036]), comprising routing to a signaling interface (A-INTERFACE) between the Global System for Mobile communications network and at least one of the Time Division Multiple Access communications network and the Code Division Multiple Access communications network (fig. 1, description and [0035]-[0036]) a Signaling Point Code (GSM service network 140) associated with the signaling interface;

wherein the origination request is processed by the message service center, thus allowing the message to be sent from the communications device ([0031]-[0037]).

But, Jain does not particularly show wherein the signaling point code is being a signaling system 7 signaling point code; retrieving a signaling system 7 signaling point code associated with the network address; and replacing the network address of the origination request with the signaling point code. However, Lindgren teaches wherein the signaling point code is being a signaling system 7 signaling point code ([0020] and [0025]); retrieving a signaling system 7 signaling point code associated with the network

address ([0020] and [0025]); and replacing the network address with the signaling point code [0031]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Jain as taught by Lindgren in order to use the existing system ("the signaling system no. 7 (SS7) network that forms the backbone of existing public access cellular telephone systems" see [0006]); thus, a lot of money and effort can be saved.

Regarding claim 10, Jain and Lindgren disclose the method according to claim 8. Jain further discloses the step of associating the network address to a signaling point code, the signaling point code identifying the signaling interface between the Global System for Mobile communications network and at least one of the Time Division Multiple Access communications network and the Code Division Multiple Access communications network [0035].

Regarding claim 12, Jain and Lindgren disclose the method according to claim 8. Jain further discloses the step of wirelessly changing the network address after migration of a subscription profile associated with the communications device ("available from the GSM SIM card, from a previously received SMS message"), wherein the network address identifies the message service center in the Global System for Mobile communications network [0031].

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a) Bright discloses that "The system of claim 42, wherein the call request is a call termination request (see specification and claim 47).

b) Haase discloses that with "dual mode phone for GSM and ANSI networks, he can receive the same service independent of what network he is roaming to" (see specification).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy Q Phan whose telephone number is 571-272-7924. The examiner can normally be reached on 8AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Huy Phan

Examiner: Phan, Huy Q. AU: 2617 Date: 12/01/2006

George Eng
GEORGE ENG
SUPERVISORY PATENT EXAMINER